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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 2219 OF 2021
IN
ANTICIPATORY BAIL APPLICATION NO. 2173 OF 2017**

Dinesh Hiralal Kapadia

...Applicant

Versus

State of Maharashtra & Ors.

...Respondents

.....

Mr. S.V.Marwadi i/b.Mr. Kaushal Thakur for the Applicant.

Mr.S.R.Agarkar, APP for the Respondent -State.

Mr.Subodh Desai a/w. Ms.Nikita Vardhan, Mr. Vishal Tiwari
and Mr. Harsh Shah i/b. Kanga and Company for Respondent
No.3.

.....

CORAM: V.G.BISHT, J.

DATE: 13th OCTOBER, 2021

PC:-

1. This is an Application moved by the Applicant/Accused
thereby seeking revocation/ setting aside of the order dated
9th August, 2021 passed by this Court in Anticipatory Bail
Application No. 2173 of 2017 thereby dismissing the said
Anticipatory Bail Application for non-prosecution.

2. Heard learned Counsel for the Applicant, learned APP and learned Counsel for Respondent No.3.

3. On going through the Affidavit of the Applicant in support of the Interim Application, it is seen that the Applicant's son-in-law had made arrangements for appointing an Advocate and was taking all the steps and therefore, the Applicant was not aware about the proceedings and order passed by this Court as he was keeping in different health owing to his old age.

4. According to Applicant, his son-in-law passed away on 29th May, 2020. He only came to know about the dismissal of his Anticipatory Bail Application through his daughter.

5. The learned Counsel for the Applicant has reiterated the contents of Affidavit and assured that hereinafter the Court hearing shall be attended regularly without any delay.

6. Although, learned Counsel for Respondent No.3 and learned APP vehemently opposed the Application but submitted that in the facts and circumstances of the case, appropriate order may be passed.

7. Having regard to the contents of Affidavit and moreover, since Anticipatory Bail Application is pretty old, in my considered opinion, it is always desirable that the matter be heard on merits and decided accordingly.

8. For the aforesaid reasons, I am inclined to allow the Interim Application. The Interim Application stands allowed in terms of prayer clause (A).

(V.G.BISHT, J.)